

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAULINE MONTGOMERY,

Plaintiff,

v.

MADERA DEPT. OF CORRECTIONS, et
al.,

Defendants.

No. 1:23-cv-00919-JLT-SAB (PC)

ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED

(ECF No. 18)

Plaintiff is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On January 16, 2024, the Court ordered the Clerk of Court to send Plaintiff an amended prisoner civil rights complaint form, and granted Plaintiff thirty days to file a second amended complaint in compliance with the Court's September 28, 2023, screening order. (ECF No. 18.) Plaintiff was warned that her failure to do so would result in a recommendation to dismiss the action. (Id.) The thirty day time frame has passed and Plaintiff has failed to comply with the Court's order.

The Court notes that on February 6, 2024, a notice filed one of Plaintiff's other cases was ordered to be filed in this case. (ECF No. 19.) Therein Plaintiff appears to question why she is being ordered to file an amended complaint in this action. (Id.) The Court is confused as to

1 Plaintiff's notice as the record in this case clearly demonstrates that Plaintiff received the Court's
2 September 28, 2023, screening order, finding no cognizable claims, and granting leave to amend.
3 Despite being granted two extensions of time, Plaintiff has failed to file an amended complaint.
4 Thus, dismissal is warranted. Accordingly, Plaintiff shall be ordered to show cause why the
5 action should not be dismissed for failure to state a cognizable claim for relief, failure to
6 prosecute, and failure to comply with a court order.

7 Based on the foregoing, it is HEREBY ORDERED that:

- 8 1. Within **fourteen (14)** days from the date of service of this order Plaintiff shall show
9 cause why the action should not be dismissed; and
- 10 2. Failure to comply with this order will result in a recommendation to dismiss this
11 action for the reasons stated above.

12 IT IS SO ORDERED.

13 Dated: **February 15, 2024**

14 
15 UNITED STATES MAGISTRATE JUDGE